

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

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MDL NO. 1592

ORDER

WOLF, D.J.

September 3, 2004

The court has received Columbia University's Emergency Motion to Dismiss for Lack of Subject Matter Jurisdiction (the "Emergency Motion") and September 2, 2004 letter requesting expedited consideration of it. The letter states that Columbia asked plaintiffs to agree to dismiss their claims voluntarily in response to Columbia's September 2, 2004 covenant not to sue on the '275 patent. The Emergency Motion does not, however, contain a certification complying with the requirement of Local Rule 7.1(A)(2) that, "No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to narrow the issues." In any event, counsel for plaintiffs Biogen IDEC MA, Inc. and Genzyme Corporation has informed the Deputy Clerk that they request an adequate opportunity to respond to the Emergency Motion.

In view of the foregoing, and the imminent deadlines established by the June 23, 2004 Order, which remains in effect, it is hereby ORDERED that:

1. Counsel for the parties confer and, by 4:00 p.m. on September 8, 2004, report, jointly to the extent possible, in

writing regarding: a schedule for plaintiffs' response to the Emergency Motion and any reply by Columbia; the implications of Columbia's covenant not to sue for the possibility of a settlement of these cases; whether the dates for various events established by the June 23, 2004 Order should be altered in view of the Emergency Motion; and the name and telephone number of each attorney who will participate in a telephone conference on September 9, 2004, at 11:00 a.m.

2. The parties shall in their future submissions address the implications for the Emergency Motion of this court's attached March 6, 2004 Memorandum and Order in SVG Lithography Systems, Inc. v. Ultratech Stepper, Inc.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE